

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1698 of 2020**

- Dipak Diwakar, S/o Munna alias Rajkumar, Aged About 26 Years, R/o Fulwarikala, Police Station - Lalpur, District- Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : Police Station- Lalpur, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rajeev Bharat, Adv.
For Respondent/State	:	Mr. Sudeep Agrawal, Dy. A. G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.08.2020**

1. The accused/applicant has moved this **Second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 118/2019 registered at Police Station- Lalpur, District- Mungeli, (C.G.) for the offence punishable under Sections 304B, 302 r/w 34 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of material witnesses vide order dated 13.01.2020 passed in MCRC No. 7391/2019.
3. The prosecution story, in brief is that, applicant along with other co-accused persons used to harass Shama Diwakar (wife of Applicant No. 1) for dowry and were pressurizing her to sale country liquor which she refused to do, due to which,

they forced her to drink rat poison. Based on this, offence has been registered. Present applicant has been taken into custody on 28.06.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is no sign or symptom of poisoning in her medical report. The applicant is in jail since 28.06.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that Deshraj Dahariya (PW/1) and Pushpa Dahariya (PW/2) have supported the prosecution case, so, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**